IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.32 OF 2006

Daklia Nirmala Vivek Petitioner

versus

Divisional Joint Registrar,
Co-op. Societies Pune & others Respondents

Mr.S.D.Paigude for petitioner.

Mr.P.S.Dani for respondent no.2.

Mr.A.H.Palekar, AGP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th January 2006

PC :

1. Heard learned counsel for the parties.

2. In my view, it is not necessary to entertain this petition because admittedly the revision application before the Joint Registrar is pending. In the light of the fact that 50% amount of the total debt under Recovery Certificate is also deposited, it would be fair and proper to direct the Divisional Joint Registrar to dispose of the revision application

on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Needless to state that respondent no.2 would not execute the recovery certificate during pendency of the revision application. Shri Dani states that the amount which is lying with the Divisional Joint Registrar should be allowed to be withdrawn by respondent no.2 bank. Learned counsel for the petitioner has no objection to this request of Shri Dani.

3. Withdrawal of the amount deposited with the Divisional Joint Registrar shall be without prejudice to the rights and contentions of petitioner and it would be open for the Divisional Joint Registrar to pass appropriate orders in accordance with law, in case petitioner succeeds in the revision application. Petition disposed of.

(S.C.DHARMADHIKARI, J.)